



THE CITY OF SAN DIEGO

**CITIZENS' EQUAL OPPORTUNITY COMMISSION  
REGULAR BUSINESS MEETING**

***\*CD of Recorded Minutes available upon request***

**MINUTES**

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**Wednesday, March 3, 2010 - 6 P.M. – 8 P.M.  
City Administration Building  
Council Committee Room  
202 C Street – 12<sup>th</sup> Floor  
San Diego, CA 92101**

**COMMISSIONERS PRESENT:**

Dan Salas  
Debbie Day  
Brad Barnum

Sarah Young  
Alden Salcedo

**Absent Commissioners: Shirley Weber, Stamp Corbin, Eileen Chaske, and Maurice Wilson**

**MAYOR'S STAFF:**

Debra Fischle-Faulk, Director Administration  
Hildred Pepper, Director, Purchasing & Contracting  
Laura Davis, EOC, WPO

**GUEST'S**

Jennifer Badgley  
Brittany Coppage  
Corinne Wilson

Bill Baber  
Larry Blumberg  
Tony Nufer

Ken Collier  
Jeff Sturak

- I. CALL TO ORDER:** The meeting was called to order at 6:07 p.m. by Vice Chairperson Dan Salas.
- II. APPROVAL OF MINUTES AND AGENDA:** Minutes of February 3, 2010 and Today's Agenda were unanimously approved.
- III. PUBLIC COMMENT:**
- IBA Presentation – Jeff Sturak (*handouts provided*)
    - Jeff Sturak presented the IBAs report to the Rules Committee regarding Councilmember Emerald's Green Jobs in Public Works Proposal
  - Construction Apprenticeship Programs Presentation - Corrine Wilson, Research and Policy Analyst with the Center on Policy Initiatives (*Handouts provided*)
    - Corrine Wilson of the Center on Policy Initiatives spoke in favor of the proposal.
    - Ken Collier, Instructor at the San Diego Electrical Training Center. Mr. Collier Spoke for the Ordinance and gave his background with the Apprenticeship Program.
    - Jennifer Badgley with Local 569 IBEW spoke in favor of the proposal and gave background on the Apprenticeship Program her union provides. The Commission requested Ms. Badgley to forward information regarding other local jurisdictions currently implementing these types of programs to Debra Fischle-Faulk.
    - Dave Jarrell, Deputy Chief of Public Works for the City of San Diego explained the challenges associated with the proposal as written as it relates to Apprenticeship requirements.
    - Bill Baber representing Associated Builders and Contractors, Inc. Spoke against the proposal citing legal & safety issues. Mr. Baber mentioned the sent a letter to the City Attorney's Office and he was asked to provide a copy of the letter via email to Debra Fischle-Faulk.
    - Tony Nufer, President of the San Diego Military Advisory Council commented on the concern unintentional impact the proposal may have on reducing the job opportunities of veterans who are already fully qualified through the military.
    - Managed Competition was also mentioned as was the fact that the Rules Committee requested Ms. Fischle-Faulk to gather information on whether or not the proposal impacts small businesses.

*There was additional discussion on the use of the program in other jurisdictions.*

**IV. ACTION ITEMS:**

- Council member Marti Emerald's Proposed Energy Efficiency Health and Safety Standard Proposal
- ~~Presentation on Managed Competition~~ (*Rescheduled to April*)
- Commission representative to Human Relations Commission Meeting on March 17th, the 3<sup>rd</sup> Wednesday of the Month at the Balboa Park Club. Motion to attend the Human Relations Commission Meeting was passed that either Dr. Weber attend, or that Mr. Salas, if she is not available. Vote was unanimous.
- ~~Election of Vice Chair:~~ (*Rescheduled to April*)

**V. DISCUSSION ITEMS:**

**VI. STAFF REPORT:**

**Construction and Consultant Contracting Activities for February 2010**  
**Presented by Marguerite McCurley-Jenkins.** (*Handout provided*)

**Debra Fischle-Faulk – City Administration Director: EOC Monthly Report**

*Debra handed out the finalized version of the Small Local Business Enterprise Program Application along with a summary sheet.*

*Announced a tentatively scheduled workshop on April 1<sup>st</sup> to help interested businesses fill out the applications, as well as, receiving the applications.*

*Update on the Prism Software System – anticipate going live by July 2010.*

*Update on the Internal SCOPE Audit is still pending response from the Auditor for the preliminary findings.*

***There was significant discussion regarding the statistics and details on the Bid Tabs***

**VII. SUBCOMMITTEE REPORT: NONE**

**VII. COMMISSIONERS ANNOUNCEMENTS: NONE**

**IX. INTERIM CHAIR'S REPORT: NONE**


**X. ADJOURNMENT: 7:40.P.M Vote: Passed Unanimously (5-0)**

CITIZEN'S EQUAL OPPORTUNITY COMMISSION

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\*\*\*Materials Provided


- I. Minutes of February 3, 2010
- II. Green Jobs in Public Works Contract handout
- III. SLBE Program Certification
- IV. Small Local Business Enterprise Program Application
- V. EOC Monthly Report



## Green Jobs in Public Works Contracts by the City

Overview of IBA Report 09-77  
Citizens Equal Opportunity  
Commission Meeting  
March 3, 2010

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## Overview

- At the Rules Committee on July 29, 2009 Ken Kimball from KHK Inc. made a presentation on the Health, Safety and Training in a Green Economy.
- In addition, the Center for Policy Initiatives (CPI) discussed a memo dated July 28, 2009 on green jobs in public works contracts by the City.
- The objectives in the CPI memo include:
  1. Achieving higher performance in energy efficiency with savings for taxpayers, and reduction in the City's greenhouse gas emissions
  2. To place a skilled workforce locally in Green Collar jobs
  3. Ensuring the health and safety of residents and workers on these projects

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Office of the Independent Budget Analyst

## Overview



- From these two informational items, the Rules Committee requested that the IBA do further analysis on the CPI's memo and provide relevant background information on the following:
  - Current licensing requirements for electrical contracts and the current monitoring process for LEED standards on City projects and City Approved projects.
  - Propose a policy with recommendations on how to implement such parameters within city contracts
  - Consult with various stakeholders

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Office of the Independent Budget Analyst

## Overview



- In response to the Committee's direction, the IBA prepared report number 09-77 to address objectives outlined in CPI's July 28, 2009 memo. This report was presented to the Rules Committee on October 14, 2009.

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## Overview



- Based on information provided by City departments and representatives from the building industry, many current State and City codes and policies already address CPI's objectives.
- The IBA points out areas where increased monitoring or enforcement could be implemented by the City.
- Increased monitoring or enforcement could require additional staff and/or have substantial impacts on current programs.
- These impacts would need to be carefully weighed against other core services provided by the City, especially in light of the current economic climate.

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## Overview



- In addition to our report, Councilwoman Marti Emerald presented to the Rules Committee a memorandum proposing an ordinance related to "Energy Efficiency Health and Safety Standards."
- One area addressed in the memorandum was utilizing San Diego's apprenticeship programs and the skills and training of our local mechanical workforce.
- To achieve this, the ordinance includes a requirement stating that a minimum of 70 percent of journeymen working on public works contracts over \$25,000 should be graduates of a California State-approved apprenticeship program.

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## Update on Status



- The Rules committee voted 4-1 to direct the City Attorney's Office to create an ordinance based on Councilmember Emerald's proposal.
- In addition, a cost analysis and information regarding how this would affect minority and small business contract with the City of San Diego was asked to be provided and forwarded to the City Council.
- This item has not yet been scheduled for a City Council hearing.

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THE CITY OF SAN DIEGO

**City of San Diego Small Local Business Enterprise Program Certification**

The City of San Diego provides a Small Local Business Enterprise Program to encourage greater availability, capacity development and contract participation by Small Local Business Enterprises ("SLBEs") and Emerging Local Business Enterprises ("ELBEs") in City contracts.

The City of San Diego's certification program, governed by the San Diego Municipal Code Chapter 2, Article 2, Division 36, sections 22.3601 through 22.3621, certifies both Small Local Business Enterprises and Emerging Local Business Enterprises. *In order to obtain certification, an entity must meet the definitions of both the size (small/emerging) and location (San Diego County).*

**Definitions**

**Emerging Business Enterprise (EBE)** – Any for-profit enterprise that is not a broker, is independently owned and operated; is not a subsidiary of another business, is not dominant in its field of operation and whose average gross annual receipts in the prior three fiscal years do not exceed:

- \$2.75 million - Construction
- \$1.5million - Specialty Construction
- \$1.5million – Goods/Materials/Services
- \$ 1.0 million – Trucking
- \$ 750,000 – Professional Services and Architect/Engineering

If a business has not existed for 3 years, the gross sales limits described above shall be applied based upon the annual averages over the course of the existence of the business. This definition is subsumed within the definition of Emerging Local Business Enterprises.

**Emerging Local Business Enterprise (ELBE)** – A Local Business Enterprise that is also an Emerging Business Enterprise.

**Local Business Enterprise (LBE)** - A firm having a Principal Place of Business and a Significant Employment Presence in San Diego City or County, California that has been in full operation for 12 consecutive months and possesses a valid business tax certificate. This definition is subsumed within the definition of Small Local Business Enterprise.

**Small Business Enterprise (SBE)** - Any for-profit enterprise that is not a broker, is independently owned and operated; is not a subsidiary of another business, is not dominant in its field of operation and whose average gross annual receipts in the prior three fiscal years do not exceed:



THE CITY OF SAN DIEGO

## SMALL LOCAL BUSINESS ENTERPRISE PROGRAM

### APPLICATION

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Submit Applications to:  
City of San Diego  
SLBE Program Certification  
202 C Street, Mail Station 9A  
San Diego, CA 92101

Questions regarding application status: (619) 235-5295  
Questions regarding application: (619) 236-6297

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APPLICATION  
Small Local Business Enterprise

CITY OF SAN DIEGO



Are you bidding on a City project? Date of bid: _____ Project Title and Bid Date: _____		Date & Time Received by Equal Opportunity Contracting (For Equal Opportunity use only)		
<b>Ownership Type</b> check all that apply  <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation, S-Corp, LLC	<b>Please check current certifications, if any, held by your Business and submit copy of certification(s)</b>  <input type="checkbox"/> DBE <input type="checkbox"/> DVBE <input type="checkbox"/> UDBE <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> Micro	Received Date   Approval Date   Expiration Date		
<b>If your business is a State Certified DVBE or Micro-business, please provide documents for items A thru L only in the section below.</b>				
	<b>Sole Proprietor</b>	<b>Partnership</b>	<b>Corp/S/LLC</b>	<b>Required Copies of Documents</b>
A	X	X	X	Rental Agreement for office space/home (Cover page and signature page of agreement)
B	X	X	X	Rent receipt or cancelled check (if owned; property tax or deed showing ownership)
C	X	X	X	Business Tax Certificate
D	X	X	X	Resume of Key owners(s) management
E	X	X	X	Appropriate License Number and Classification (i.e., Contractor, Architect, Engineer, etc.)
F	X	X	X	TRUCKERS ONLY: Current DMV Vehicle Registration, Motor Carrier Permit, rental agreement for the local parking site
G	X	X	X	Employer Identification Number
H	X	X	X	Current Payroll Tax records for ALL offices
I	X	X	X	DE-6 quarterly State wage and withholding report.
J			X	Corporate License, including date approved by California Secretary of State
K	X	X	X	Copies of three contracts outlining the scope of work for which certification is being requested, if more than one scope of work submit additional contracts.
L	X	X	X	Copies of current certifications, i.e. DBE, DVBE, MBE, WBE, UDBE, copy of passport, driver's license, birth certificate.
M	X			3 Most Recent Federal Income Tax (1040) including Schedule C & SE
N		X		3 Most Recent Federal Income Tax (1065) including Schedule K-1
O			X	3 Most Recent Federal Income Tax Returns 1120(s), Schedule E, 4562, 1099 W-2s of owners
1. Name of Company, including DBAs(Doing Business As): _____				
2. Principal Place of Business: (see definition on application instructions) _____ EIN: _____				
3. Mailing Address: _____				
4. Owner's Name(s): _____				
5. Telephone: _____ Fax: _____ Cell: _____ E-mail: _____				
6. Date Business was established in San Diego: _____				

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APPLICATION  
*Small Local Business Enterprise*

CITY OF SAN DIEGO



7. If business address and/or phone number is the same as residence, is there another office located outside the residence: ☐ Yes ☐ No

If Yes, please indicate City and State:

***This question is not applicable to State Certified DVBE and Micro Businesses.***

8. Does any owner have an interest in any other business? ☐ Yes ☐ No

If yes, please identify all businesses and submit 3 most recent tax returns for each business.

***This question is not applicable to State Certified DVBE and Micro Businesses.***

9. Does any owner's spouse/domestic partner have interest in any other business? ☐ Yes ☐ No

If yes, please identify all businesses and submit 3 most recent tax returns for each business.

10. Are any owner(s) also employees of the City of San Diego? ☐ Yes ☐ No

If yes, in what capacity?

11. Indicate the nature of the firm's business and NAICS Codes _____	Construction <input type="checkbox"/>	General Services <input type="checkbox"/>	Professional Services <input type="checkbox"/>	Supplier <input type="checkbox"/>
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12. Indicate name of license holder, type of license, and license number.

13. Work Description: Briefly describe the type of services and/or products your firm provides.

14. Truckers: List the types of trucks and trailers your company owns or lease.

15. Suppliers must submit: a) authorized letters from all manufacturers; and b) a current copy of inventory list. This list will be verified at time of site visit

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Small Local Business Enterprise

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16. Ownership Information: Identify all owners of the business, including race/ethnicity and gender.

Name	Race/Ethnicity	Gender	Percentage of Ownership

17. List the last three relevant projects performed by the company. Also submit copies of three contracts outlining the scope of work for which certification is requested/if more than one scope of work, submit additional contracts.

Project Name, Owner/Prime	Total Dollar Amount of Contract	Date Completed

18. Total Number of owners \_\_\_\_ (a) Total number of owner(s) who live in the San Diego City and County \_\_\_\_  
(b) Total number of owner(s) who live outside of San Diego City and County \_\_\_\_

19. Total number of employees: \_\_\_\_ (a) Total number of employees who live in the San Diego City and County \_\_\_\_  
b) Total number of employees who live outside of San Diego City and County \_\_\_\_

20. Enter total annual payroll amount for the Business: \$ \_\_\_\_  
Enter total annual payroll amount for San Diego City and County Office: \$ \_\_\_\_

**AFFIDAVIT**

*The undersigned declares and swears under penalty of perjury that the foregoing statements are true, correct, and complete and accurately explain the operations of (name of firm):*

*Additionally, the undersigned agrees, during the term of this certification, to immediately notify the City of San Diego when changes in the information provided on this application occur.*

*Further, the undersigned agrees to provide through the prime contractor or, if no prime, directly to the City current, complete and accurate information regarding actual work performed on projects; the payment thereof; and proposed changes, if any, of the foregoing arrangements. The undersigned agrees to permit the audit and examination of books, records, and files of the named firm. Any material misrepresentation will be grounds for terminating any contract which may be awarded and for initiating action under federal, state, or local laws concerning false statements.*

\_\_\_\_\_  
Name of Firm (print)

\_\_\_\_\_  
Name and Title (print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

February 1, 2010

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REVISED EOC STAFF REPORT TO BE DISTRIBUTED AT NEXT MEETING FOR  
APPROVAL